

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No.
)	12-00018-01-CR-W-DGK
TOMMY HAUBRICH,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on August 27, 2012. Defendant Tommy Haubrich appeared in person and with appointed counsel David Johnson. The United States of America appeared by Assistant United States Attorney Bruce Rhoades.

I. BACKGROUND

On January 11, 2012, an indictment was returned charging defendant with one count of escape from confinement, in violation of 18 U.S.C. § 751(a). Three co-defendants have pleaded guilty and the last co-defendant has a change-of-plea hearing set.

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Rhoades announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Jason Thomas, Deputy United States Marshal.

Mr. Johnson announced that he will be the trial counsel for defendant Tommy Haubrich.

III. OUTSTANDING MOTIONS

There is currently pending for ruling by the Magistrate Judge a motion to remove unlawful communication restrictions filed by defendant (document number 70).

IV. TRIAL WITNESSES

Mr. Rhoades announced that the government intends to call 9 witnesses without stipulations or 7 witnesses with stipulations during the trial.

Mr. Johnson announced that defendant Tommy Haubrich intends to call no witnesses during the trial. The defendant may testify.

V. TRIAL EXHIBITS

Mr. Rhoades announced that the government will offer approximately d20 exhibits in evidence during the trial.

Mr. Johnson announced that defendant Tommy Haubrich will offer no exhibits in evidence during the trial.

VI. DEFENSES

Mr. Johnson announced that defendant Tommy Haubrich will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Mr. Johnson stated this case is probably not for trial.

VIII. STIPULATIONS

Stipulations are likely as to records, videotapes, recordings.

IX. TRIAL TIME

Counsel were in agreement that this case will take 3 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That counsel for each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by September 5, 2012;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, September 12, 2012;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, September 12, 2012. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

No motions in limine are anticipated. There are no unusual questions of law.

¹Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the forthcoming trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by Friday, September 14, 2012. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. **The instructions shall be listed in the order they are to be given.**

XII. TRIAL SETTING

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on September 17, 2012.

/s/ Robert E. Larsen
ROBERT E. LARSEN
U. S. Magistrate Judge

Kansas City, Missouri
August 28, 2012